

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:10-cr-00047-W**

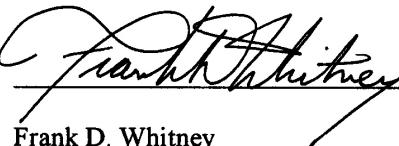
JOE HAND PROMOTIONS, INC.,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
MIRO MIRO, INC., and TRI CAO)	
LUONG,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court, *sua sponte*, as to the status of Plaintiff's case. Plaintiff filed this action on February 4, 2010. (Doc. No. 1). On June 23, 2010, the Clerk's Office issued a "Notice of Lack of Prosecution" warning Plaintiff that: (1) 120 days had passed since the filing of the Complaint, (2) Summons had issued, and (3) the case docket did not reflect an executed return of Summons effecting service of process. The Notice also cautioned Plaintiff that this proceeding could be dismissed pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely serve the summons and complaint. Plaintiff, however, has not filed any response or any pleading in response to the Notice, which was served on Plaintiff's counsel almost two months ago. Consequently, Plaintiff has failed to demonstrate to the Court whether Plaintiff has complied with Rule 4(m), and, even if all named Defendants were timely served, Plaintiff has failed to move for entry of default or otherwise prosecute its claims. "[A] district court possesses the 'inherent power' to dismiss a case *sua sponte* for failure to prosecute. . . . [S]uch authority derives from 'the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.'" Erline Co., S.A. v. Johnson, 440 F.3d 648, 654 (4th Cir. 2006) (quoting Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)).

IT IS, THEREFORE, ORDERED that Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE as against all named Defendants pursuant to Rule 4(m) and Rule 41(b) of the Federal Rules of Civil Procedure. The Clerk is directed to CLOSE the case.

IT IS SO ORDERED.

Signed: August 24, 2010



Frank D. Whitney
United States District Judge

